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REMARKS

Claims 1-5, 8-18, and 65-70 are pending in the present application to Freishtat et al. (hereinafter Application), whereby prior claims 60, 63, and 64 are cancelled, and claims 65-70 are newly added by amendment. Claims 1-5, 8-11, and 13-18 of the present application stand rejected under 35 U.S.C. § 103(a) as being obvious over Szlam et al. (U.S. Patent Application No. US 2002/0047859) (hereinafter Szlam) in view of Beck et al. (U.S.P.N. 6,170,011) (hereinafter Beck). Claim 12 stands rejected under § 103(a) as obvious over Szlam in view of Beck and further in view of England (U.S.P.N. 6,144,991) (hereinafter England). In light of the Remarks, the Applicants respectfully traverse the rejections and request reconsideration and allowance of the pending claims.

Rejections Under 35 U.S.C. §103(a)

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, (Fed. Cir. 1991).

Independent Claim 1

The Office Action rejects independent claim 1 as obvious over Szlam in view of Beck, and relies on Szlam to disclose several limitations. Accordingly, Szlam and several of the claim limitations will be discussed in turn.

Szlam discloses a method for providing help to a customer browsing a company's website by monitoring factors indicating that the customer is having a web browsing problem

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and then connecting an available customer service representative (CSR) to the customer in order to provide assistance in using the company's web site. Szlam discloses:

[0010] The present invention provides for connecting a customer to a CSR when the customer presses a HELP button, especially when the customer should be offered assistance and when the company can offer assistance. The CSR may communicate with the customer via various media including, but not limited to, electronic chat, e-mail, multi-media/presentation form exchanges, voice over Internet Protocol (VoIP), voice over Public Switched Telephone Network (PSTN) and fax.

[0011] The present invention provides for automatically determining whether the customer should be provided assistance. In addition, the present invention provides for automatically *connecting a customer to a CSR when a CSR is available* or is predicted to be available within an acceptable time.

[0012] The present invention provides assistance to a customer at a web site by receiving a request for a web page from a customer, sending the web page without a HELP option to the customer, automatically determining if the customer should be provided assistance and, if the customer should be provided assistance, then sending a HELP option to the customer. The present invention automatically determines if the customer needs assistance by monitoring factors such as the customer profile saved at the server, the customer preferences or other information contained in cookies on the customer's device, the time a customer spends on particular web pages, errors in forms submitted by the customer, web pages repeatedly viewed by a customer, and statistically established abandon points. (Emphasis added).

As seen above, Szlam discloses a browser assistance method for monitoring factors which indicate that the customer is having problems *browsing* a company's website, where the factors include the time a customer spends on a web page, errors in forms submitted on the web site, and when web pages are repeatedly viewed. Szlam for example discloses:

[0059] If a customer is having trouble at a web site, then the customer will typically spend a large amount of time at one web page or an area within a web page. For example, the customer may

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be completing a form to place an order. Step 315 tests whether the customer has been at the same web page for some predetermined amount of time, such as "X" minutes.

[0062] FIG. 4 illustrates a method of determining whether a customer needs assistance based upon mistakes by the customer in completing an electronic form found on the company web site. The electronic form may be any field on any web page wherein the customer needs to enter any information or perform any activity.

[0064] FIG. 5 illustrates a method of determining whether a customer needs assistance based upon the number of times a customer returns to a particular web page on the company's web site. If a customer is having trouble finding information, then the customer will often repeatedly return to the same web page or continue to re-enter certain fields or click on certain web page areas, such as the home or main web page for the company, or the main web page for a particular class of items, such as computers.

Thus, the method of Szlam determines if a customer needs help *browsing* a company's website, and then connects the *first available* CSR to the customer in order to provide help in using the company's website. Szlam [0011].

The independent claims of the present Application are all drawn to matching a customer browsing a web site with a particular sales associate (SA) in order to *sell* products. The sales associate limitation is therefore helpful in understanding the context of the claims as well as how they distinguish over the prior art.

To support a rejection of claim 1 as obvious, the Office Action states that Szlam discloses:

Determining from the session information and any customer information that the customer constitutes a sales opportunity appropriate for assistance from a *sales associate* (Figs. 2-7; (00531-(00721); (Emphasis added).

Claim 1 recites:

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matching the customer with a sales associate . . . (Emphasis added).

As discussed above, Szlam discloses CSRs who provide *browsing assistance* to website customers who are having a problem *using* a company's website. Claim 1 of the Application, in contrast, recites *sales associates* who are matched with customers in order to *sell products*. Providing help to a customer who is incorrectly submitting website forms is distinctly different from matching a *sales associate* to a customer in order to *sell products*. Therefore, the Applicants respectfully assert that claim 1 is allowable for at least the reason that Szlam does not teach or disclose the *sales associate* limitation of claim 1.

To support a rejection of claim 1 as obvious, the Office Action states that Szlam discloses *matching* a sales associate to a customer as in claim 1 of the Application.

Claim 1 of the Application recites:

matching the customer with a sales associate from among a plurality of sales associates based on the session information, the customer information, and information about a plurality of sales associates . . .;

The Office Action states that Szlam discloses:

Matching the customer with the sales associate . . . (Fig. 7; [0073]-[0074]). (Emphasis added).

The cited passages from Szlam disclose:

[0073] FIG. 7 illustrates the process of providing assistance once it has been determined that it is appropriate to provide assistance. Step 700 determines whether assistance should be provided, such as by using one or more of the methods described above. Assuming that a decision has been made that the customer requires assistance, step 705 *determines whether a CSR is currently available*. If a CSR is currently available then, at step 710, the company web server inserts a HELP option in the current page, sends a new web page with a HELP option, or updates the current web page but adds a HELP option. A HELP option may be a HELP button, or may be a HELP screen which *connects the customer directly with an available CSR*. A HELP button may be

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a "button", a key, an icon, a symbol, a word, a combination of words, a field, a sound or video clip, a multi-media presentation, or any desired combination thereof, so long as it indicates to the customer that the customer should take some action to obtain assistance. In one embodiment the HELP button provides a hyperlink to a predetermined web site address at the company server. The customer can then press or click on the HELP button to be connected on screen with the CSR, or the customer can begin typing a message on screen to the CSR. The customer is therefore immediately and directly connected to a CSR. This can happen because, prior to offering assistance to the customer, *a determination has already been made that a CSR is available*, predicted to be available, or will be available by the time that the customer responds.

[0074] The HELP screen presented at step 710 to the customer preferably includes a short explanatory or greeting message. For example, the HELP screen may present the message: "We have noticed that you have been at this same web page for some time. Do you require assistance? If so, please type in your question or the problem you are having and you will be immediately be connected on-screen with a Customer Service Representative." Or the screen may present the message: "We have noticed that you have returned to this same web page several times. Do you require assistance? If so, please type in your question or the problem you are having and you will be immediately be connected on-screen with a Customer Service Representative." The HELP option may be a video or audio clip to which the customer may respond orally or by clicking in an appropriate place. The help screen may address the customer by name through the use of the information stored on cookies or at the company server. These messages are exemplary and other appropriate messages may be used that may be based on the contact strategy or marketing campaign associated with the web page. Also, the HELP screen may be a completely new screen, or may be the existing web page with a HELP section superimposed, such as on the bottom third of the web page. (Emphasis added).

Figure 7 of Szlam illustrates the process of providing website browsing assistance by a CSR once the invention of Szlam determines that the customer needs browsing help. Fig. 7, for

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example, discloses 'CSR AVAILABLE?' at step 705, and 'DETERMINE ESTIMATED TIME (TCSR) FOR A CSR TO BECOME AVAILABLE' at step 715.

Szlam thus discloses connecting a customer who needs help *using* the company's website to *any* CSR who is *available*, and uses phrases such as "determines whether a CSR is currently available", "connects the customer directly with an available CSR", and "a determination has already been made that a CSR is available." (Emphasis added).

Claim 1 of the Application recites a method for *matching* a customer to a particular sales associate for *selling* products. Szlam, in contrast, does not disclose matching of any kind, but rather discloses determining if *any* CSR is available to help a customer who is having *problems browsing* a website. Because Szlam is directed to providing help at using a company's website, Szlam has no need to *match* a representative to a customer based on session, customer, and sales associate information.

Szlam also discloses:

[0085] Additionally, in determining when to provide the HELP option, the invention may *prioritize certain customers* and the provision of assistance to those customers. Such customers would be *VIP customers* based on prior transactions or the significance of the transaction at hand. For these priority customers, the HELP option may be displayed for a longer period or a CSR may be *held for offering immediate assistance*. Thus, for the VIP customers the rules described above may be altered so that *assistance can be provided more quickly*, for a longer time, *by the best available agent*. (Emphasis added).

The above cited passage from Szlam likewise does not disclose matching a customer with a sales associate based on session, customer, and sales associate information. Rather, the above passage discloses 'VIP customers' who receive *browsing assistance* more quickly than regular customers.

Additionally, Szlam in paragraph 85 recites the phrase 'by the best available agent.' As discussed above, the invention and disclosure of Szlam are directed to providing help to a customer who needs assistance *browsing* a company's website. Szlam nowhere discloses

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matching a customer to a particular CSR, nor matching them on session and customer information. Rather, Szlam only differentiates between two types of CSR – those who are *available*, and those who are *not available*. Szlam further provides no disclosure for differentiating between the CSRs who *are* available. Thus, the ‘best available’ phrase, when interpreted in the context of Szlam, only discloses providing *browsing help* more quickly, and does not teach or disclose matching as recited in claim 1.

In view of the above, the Applicants respectfully assert that claim 1 is allowable for at least the reason that Szlam does not teach or disclose a *sales associate*, *matching* a customer with a *sales associate*, or *matching* a customer with a *sales associate* based on session, customer, and sales associate information as recited in claim 1. If the Examiner believes that Szlam discloses matching a customer with a sales associate as recited in claim 1, the Applicants respectfully request clarification regarding how the above cited passages from Szlam disclose each limitation of the matching step recited in claim 1.

The Office Action also asserts that claim 1 is obvious over Szlam in view of Beck in-part because Szlam discloses the ‘independent from the plurality of enterprise’s limitation of claim 1.

Claim 1 states in relevant part:

... the sales associate being independent from the plurality of enterprises;

The Office Action asserts that Szlam discloses:

... the sales associate being independent from the plurality of enterprises (Fig. 7; [0073]-[0074]).

The Applicants respectfully assert that Szlam fails to disclose *sales associates* which are *independent* from the plurality of enterprises because Szlam discloses CSRs who are not independent from, but rather *associated with*, ‘the company’:

Szlam discloses:

[0004] Many web sites have a "HBLP" button, which allows the customer to "click on" or press that button **in order to contact a customer service representative ("CSR") of the company.**

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The Applicants respectfully assert that claim 1 is allowable for at least the reason that Szlam does not teach or disclose a *sales associate*, or a *sales associate independent* from the enterprise as recited in claim 1 of the Application. The Applicants respectfully request clarification of the above referenced language from Szlam if the Examiner asserts that Szlam discloses sales associates which are independent from the enterprise as recited in claim 1.

In view of the above Remarks, the Applicants respectfully assert that claim 1 of the Application is allowable because Szlam fails to disclose at least the sales associate, matching a customer to a sales associate, or a sales associate independent from the enterprise limitations of claim 1 of the Application.

Dependent Claim 3

The Examiner rejects claim 3 as obvious over Szlam in view of Beck. With regard to claim 3, the Office Action states:

As per claim 3, Szlam discloses that customer information is received from a third party ((0014) – use of cookies to collect profile information, i.e. demographics, etc.).

The cited language from Szlam discloses:

[0014] The present invention may determine that a customer needs assistance through the use of cookies. A cookie is embedded in a web page so that when the web page is accessed by a customer for the first time, a cookie is sent to the customer's device. Then, when the customer accesses the web site in the future, the cookie is sent to the web host. Whenever predetermined web pages are opened by the customer, the cookie notifies the server of the identity of the customer. Further, the cookies may hold additional information about the customer including, for example, part or even all of the customer profile. This method is beneficial in that it frees up space on the company server as the customer profiles are maintained by the customers in cookies on their own devices or computers, not on the company server. Further, the use of cookies can be expeditious in that the company web server need not access another company server (perhaps geographically remote from the company web server) to obtain the customer information. (Emphasis added).

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The above cited language from Szlam discloses storing customer information in the form of cookies residing on the *customer's* computer, who can be considered a first party for the purposes of illustration. That customer information is then read by 'the company' server, who can be considered a second party.

The Applicants respectfully assert that claim 3 is allowable for at least the reason that the cited language from Szlam does not disclose receiving customer information, or any information, from a third party as required by claim 3. Rather, the cited language from Szlam only discloses the customer and 'the company.' If the Examiner believes that Szlam discloses receiving customer information from a third party, the Applicants respectfully request that the Examiner clarify how Szlam's reference to cookies teaches or discloses receiving customer information from a third party. Claim 3 is also allowable for at least the reason that it depends from allowable claim 1.

Dependent Claims 2, 4-5, and 12-18

The Applicants respectfully assert that dependent claims 2, 4-5, and 12-18 are allowable for at least the reason that each depends directly from allowable independent claim 1.

Dependent Claim 8

The Examiner rejects claim 8 as obvious over Szlam in view of Beck. With regard to claim 8, the Office Action states:

As per claims 8-10, Szlam discloses facilitating bridging out from Internet communication between the customer and sales associate to another mode of communication between the customer and sales associate ([0010] – CSR may communicate with the customer via various media including, but not limited to, electronic chat, e-mail, multi-media/presentation form exchanges, voice over Internet Protocol (VoIP), voice over Public Switched Telephone Network (PSTN) and fax).

Claim 8, which depends from claim 1, recites in relevant part:

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facilitating bridging out from Internet communication between the customer and sales associate to another mode of communication between the customer and sales associate.

The Office Action correctly states that Szlam discloses a CSR communicating with a customer using various methods, such as e-mail and VOIP. However, claim 8 does not merely recite communicating with a customer using one the methods of communication enumerated in Szlam. Rather, claim 8 requires that the communication 'bridge out', which means *changing* the means of communication from a first means (the Internet) to a second means, i.e. "to *another* mode of communication between the customer and the sales associate." The Applicants assert that claim 8 is allowable for at least the reason that Szlam does not teach or disclose bridging out from Internet communication to another mode of communication as recited in claim 8. The Applicants also respectfully assert that claim 8 is allowable for at least the reason that it depends from allowable independent claim 1.

Dependent Claims 9-11

The Applicants respectfully assert that claims 9-11 are allowable for at least the reason that each depends from allowable dependent claim 8, which itself depends from allowable independent claim 1.

Independent Claim 65

The Applicants respectfully assert that claim 65 is allowable for at least one or more of the reasons given for the allowability of claim 1. Claim 65 is also allowable because it additionally incorporates the 'third party' limitation discussed with regard to allowable dependent claim 3.

Independent Claim 66

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The Applicants respectfully assert that claim 66 is allowable for at least one or more of the reasons given for the allowability of claim 1. Claim 66 is also allowable because it additionally incorporates limitations from allowable dependent claim 4.

Independent Claim 67

The Applicants respectfully assert that claim 67 is allowable for at least one or more of the reasons given for the allowability of claim 1. Claim 66 is also allowable because it additionally incorporates the 'bridging out' limitation from allowable dependent claim 8.

Independent Claim 68

The Applicants respectfully assert that claim 68 is allowable for at least one or more of the reasons given for the allowability of claim 1. Claim 68 is also allowable because it recites matching the customer to a list of the best sales associates, notifies the determined best sales associates, and enables the best sales associates to choose whether or not they assist the customer, i.e. the best sales associates get to 'race' to assist the customer.

Independent Claim 69

The Applicants respectfully assert that claim 69 is allowable for at least one or more of the reasons given for the allowability of claim 1. Claim 69 is also allowable because it recites the 'race' elements of allowable claim 68, and further incorporates a timeout which ensures that at least one of the best determined sales associates will be chosen to help the customer.

Independent Claim 70

The Applicants respectfully assert that claim 70 is allowable for at least one or more of the reasons given for the allowability of claim 1. Claim 70 is also allowable because it recites operating a collateral materials database for use by matched sales associates.

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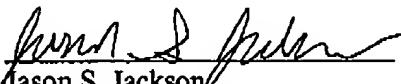
CONCLUSION

In view of the Remarks, each of the presently pending claims in the Application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass the application to issue. If the Examiner believes discussion of any issue would expedite examination, the Examiner is encouraged to telephone Applicants' undersigned representative.

A Credit Card Payment Authorization Form PTO-2038 authorizing payment of the fee of \$510.00 for a three-month extension of time under 37 C.F.R. § 1.17(a)(3) is enclosed. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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